January 2006

Technical Update

Environmentally Sensitive Areas: Property within 30 metres of a water body

Purpose
This technical update provides general information related to Record of Site Condition properties including a water body or property within 30 metres of a water body. The rules are contained in clause 41(1) (d) of Ontario Regulation 153/04 and are available for review at www.e-laws.gov.on.ca.

Intent
Properties that include a water body or are within 30 metres of a water body are considered environmentally sensitive sites. A "water body" is defined by Ontario Regulation 153/04 as a permanent stream, river or similar watercourse or a pond or lake, but does not include a pond constructed on the property to control surface water drainage. The clause of the regulation was established to allow sufficient ground water dispersion, protecting the ground water to surface water pathway (GW3).

Application
The property owner has one of two options available to them when filing Records of Site Condition for properties that include or are within 30 meters from the top of the bank of the nearest water body.

Option 1
Records of Site Condition submitted to the ministry will demonstrate that the subject property, including the 30 metres adjacent to the water body, meets either Table 1 of the Soil, Ground Water and Sediment Standards or property specific standards set out in a risk assessment accepted by the Director. Where risk assessment is used to establish property specific standards Table 1 must be used to identify all contaminants of concern for the entire property. A limited scope risk assessment conducted according to Schedule C Part II section 7, paragraph 2 of Ontario Regulation 153/04 may demonstrate that values in Table 2 of the Soil, Ground Water and Sediment Standards are acceptable for use in the Record of Site Condition.

Option 2
Two Records of Site Condition can be filed for the property. One Record of Site Condition for a surveyed portion of the environmentally sensitive site including the 30 metres adjacent to the water body applying Table 1 of the Soil, Ground Water and Sediment Standards or property specific standards specified in a risk assessment. A second Record of Site Condition applying Table 2 or 3 of the Soil, Ground Water and Sediment Standards (or Table 1 if the property is an environmentally sensitive area for other reasons) or property specific standards specified in an accepted risk assessment to the remaining surveyed portion further than 30 metres from the water body.

For further information contact your local district office:
http://www.ene.gov.on.ca/envision/org/op.htm#Reg/Dist

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